

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.15794 of 2006

Date : 3-8-2006

Between:

Bhanothu Saroja w/o. Baloji

... Petitioner

And

1. The State Election Commission,
represented by its Secretary,
Budha Bhavan, Secunderabad.
2. The State Election Authority and
District Collector, Warangal,
Warangal District.
3. The Revenue Divisional Officer,
Jangaon, Warangal District.
4. The Returning Officer, Gram Panchayat
Kudakandla, Mandal Kudakandla,
Warangal District.
5. The Mandal Parishad Development Officer,
Kudakandla Mandal, Warangal District.
6. Gugloth Parvathi w/o. Ramulu,
aged 39 years, occ: Agriculture,
r/o.Kodakandla village and Mandal,
Warangal District.

..

Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.15794 of 2006

ORDER:

-

Heard the Counsel.

The Writ Petition is filed for a Writ of Mandamus declaring the order dated 22-7-2006 in proceedings No.E/939/2006 passed by the 3rd respondent whereby and whereunder the order passed by the Returning Officer i.e., 4th respondent rejecting the nomination of the 6th respondent is set aside as the same is illegal, arbitrary and contrary to the Rules framed by the Government governing elections of Gram Panchayats and in violation of principles of natural justice and to pass such other suitable orders.

The main ground of attack is that the proposer of the 6th respondent is not in the electoral rolls of the 10th Ward. The learned Counsel also would submit that the rejection was made in accordance with law, but the Appellate Authority had allowed the Appeal without adverting to the Rules governing the field. The Counsel placed strong reliance on G.O.Ms.No.142, Panchayat Raj & Rural Development (Elections) Department, dated 3-5-2006 and

had drawn the attention of this Court to Rule 12, the scrutiny of nomination papers and specifically referred to Rule 12(2) (iii) of the Rules.

It is needless to say that these are all contravention of Rules which are being raised at this stage. In view of the fact that the elections are in the process, at this stage the same cannot be disturbed. The petitioner is having a remedy by way of election petition. Liberty is given to the petitioner to approach the appropriate Election Tribunal. The Writ Petition is disposed of accordingly. No order as to costs.

Narayana

Justice P.S.

Date : 3-8-2006

AM